

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 26, 2010

No. 09-10809
Summary Calendar

Charles R. Fulbruge III
Clerk

DR. TERRY W. SASSER,

Petitioner - Appellant

v.

NATHANIEL QUARTERMAN

Respondent - Appellee

Appeal from the United States District Court
for the Northern District of Texas, Fort Worth
USDC No. 4:09-MC-18

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Terry W. Sasser, *pro se*, appeals the district court's order denying his "Original Motion for Leave to File 'Justicable Controversy Writ' 28 U.S.C. § 2254(b)(1)(B) (2000) Pursuant to the Futility Doctrine." The district court noted that, insofar as Sasser is seeking federal collateral relief, he must first exhaust all of his claims in state court and present his claims on the appropriate form for federal habeas actions.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 09-10809

Sasser's brief fails to demonstrate any basis for reversal of the district court's order. His appeal is utterly without merit and frivolous. Accordingly, it is DISMISSED. *See* 5TH CIR. R. 42.2. Sasser's motion for bail pending appeal is DENIED.